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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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DUSTY A. DRYWATER,

Plaintiff,

*versus*

WARDEN DOBBS, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:23-CV-285

**ORDER ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

Plaintiff Dusty A. Drywater, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and the Federal Tort Claims Act (FTCA) against Warden Dobbs, the Beaumont Food Services Administrator, and the United States of America.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. On November 2, 2023, the magistrate judge recommended dismissing the *Bivens* claims for failure to state a claim. To date, the parties have not filed objections to the report.

The court received and considered the Report and Recommendation of United States Magistrate Judge pursuant to such referral, along with the record, pleadings and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the Report and Recommendation of United States Magistrate Judge (#9) is

**ADOPTED.** The *Bivens* claims and Defendants Dobbs and the Food Services Administrator are  
**DISMISSED** from this action.

SIGNED at Beaumont, Texas, this 21st day of June, 2024.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE